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### The European Union and the autonomy of sub-national authorities: Towards an analysis of constraints and opportunities in sub-national decision-making

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# **The European Union and the Autonomy of Sub-national Authorities: Towards an Analysis of Constraints and Opportunities in Sub-national Decision-making**

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**ABSTRACT** This paper explores what is known about the actual impact of the EU on sub-national (local and regional) government. Existing research on the impact of the EU on sub-national authorities appears to have a strong emphasis on the positive effects or the opportunities that emanate from the EU. By contrast, studies on European constraints that limit sub-national autonomy are rather scarce. Moreover, many studies fail to take sub-national government itself as the object of analysis, as a result of which most conclusions are rather hypothetical in nature. Trying to fill the lacunas in the existing literature, the authors present a conceptual framework that includes three dimensions along which the EU might influence sub-national decision-making: by enforcement or invitation, by hampering or improvement, and by obstruction or enabling. A pilot study found that nearly each of these types of influence was present, indicating the conceptual sensitivity and empirical relevance of the three dimensions.

**KEY WORDS:** Europeanization, local and regional government, local autonomy, decision-making

## **Introduction**

Europeanization has become a topic widely discussed in scholarly debates. Some advocate that due to European integration regions are gaining a relatively stronger position against central government (Jeffery, 2000). Others stipulate that central governments lose prominence in favour of the EU and that more and more national legislation has

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its origins in EU policies. Another perspective does not consider European integration as a zero-sum game between governmental institutions, but stresses the emergence of (non-governmental) networks and multi-level governance in which no single actor dominates perpetually (Hooghe and Marks, 2001). Adaptation, convergence and divergence are other concepts that have become topics in discussions on the role of Europe, with questions such as: how do nations adapt their policy-making towards processes of Europeanization (e.g. Cole and Drake, 2000) and: to what extent do such practices show a convergent or divergent trend among European countries (Börzel, 1999).

Among practitioners of political science and public administration who focus on Europeanization issues, there are several who are particularly interested in the relation between the EU and sub-national authorities. This article will contribute to this part of the scientific debate by focusing on the impact of the EU on the administrative position of sub-national authorities (SNAs – regional and local government).

The question of how Europe influences SNAs is highly relevant. It implies that the EU has changed both formal and actual power relations within national administrative systems, and the specific position of the constituent governmental layers. It also implies necessary changes in the internal administration of a state, possible reorganizations in order to cope with the pressure (consisting of directives and regulations) and challenges (structural funds) coming from Brussels.

Such issues are not just purely empirical; they have a normative dimension as well. In most European countries local government has a constitutionally assigned autonomy, which also has been codified in the European Charter of Local Self-Government. With this Charter European states have acknowledged that local autonomy is an inherently good thing (also Kitchin, 1996). Yet, European regulation that changes the power or resource balance between national and sub-national authorities might also undermine the actual autonomy of sub-national government. As a result administrative practice might not correspond (anymore) to the (codified) principle of local self-government. This raises two questions: is the doctrine of local self-government still tenable and should internal administrative reorganizations be launched in order to restore local autonomy?

These considerations lead to the following main question: what is known about the actual effects of the EU on the position of sub-national authorities, and subsequently, what are the consequences for future research? In order to answer this question the definition of 'European effects' we first be elaborated. Then we will present a critical overview of three approaches to the relationship between the EU and SNAs. The first approach focuses on European and national networks and the position of SNAs therein. The second one is more empirically orientated and focuses primarily on the activities of SNAs at the local level. Thirdly, research with a strong legal character is described: European law and rules are the main object of analysis here. After this a conceptual framework is introduced that is subsequently applied to empirical data.

## **Two Types of European Effects: Opportunities and Constraints**

Several authors have conceived the EU as a new opportunity structure to SNAs (Marks and McAdam, 1996; Harmsen and Wilson, 2000: 15–16; De Rooij, 2002). In this view Europe would be considered a challenge to SNAs and an institution from which they

can benefit. Terms such as 'effects', 'impact', or 'influence' have a positive connotation. The EU is an authority offering a new arena in which SNAs can put forward their demands and wishes rather than an upper-level authority commanding its subordinate administrations. In financial respects one can also consider the EU beneficial, as the structural funds might be an important impetus to regional economies and the financial dependency on their central government might be reduced. In this respect the EU offers opportunities to SNAs to improve their position and to enhance their autonomy.

Yet, in colloquial terms 'effects', 'impact' and, in particular, 'influence' have an opposite connotation. Influence indicates a relation between (at least) two actors in which one actor changes the other actor's attitudes, cognitions or behaviour in the desired direction. Often this change is more beneficial to the influencing actor than to the influenced one. European law can overrule SNAs rules, and European rules might oblige SNAs to take measures that they consider undesirable, or forbid measures. In other words, the EU – and its laws and directives – might also have a constraining effect on SNAs. In terms of the administrative position of SNAs, European constraints decrease their autonomy.

Thus, the importance of the EU to SNAs is not unambiguous. On one hand the EU might offer opportunities to SNAs and therewith strengthen their autonomous position. On the other hand, the EU might impose constraints that diminish local or regional autonomy. Because of these opposing consequences the distinction between opportunities and constraints will be a central theme in this paper.

The distinction also has an important normative meaning. In almost every Western European country local self-government or local autonomy is a highly lauded principle. European opportunities will not endanger, but rather strengthen it. The reverse is true for constraints. As these have a negative impact on the autonomy of SNAs, a proliferation of European commands and instructions will gnaw at the normative foundations of the administrative organization of a state.

### Three Perspectives

In the literature on the relation between the EU and SNAs three perspectives can be discerned. A first perspective is – as called here – a *network approach*. Most of the literature on multi-level governance can be subsumed under this category (e.g. Hooghe, 1996; Marks *et al.*, 1996; Scharpf, 1997; Peters and Pierre, 2001; Hooghe and Marks, 2003). It is argued that 'decision-making competencies are shared by actors at different levels rather than monopolized by national government', and EU-decision-making 'involves a significant loss of control for individual national governments'. 'Sub-national actors operate in both national and supranational arenas. National governments do not monopolize links between domestic and European actors' (Hooghe and Marks, 2001: 3–4). Illustrative of this development is the establishment of all kinds of transnational networks in different regions which cover all thinkable inter-organizational relations between public and private institutions, serving a wide variety of purposes: exchange of information, employment, reduction of industrial decline, cultural exchange, etc. (Hooghe and Marks, 2001: 88–89; also Ercole *et al.*, 1997). In concordance with this stands the increase of sub-national

offices, by which SNAs try to gain a solid position in the European decision-making arena (Hooghe and Marks, 2001: 83–86).

Characteristic of the network approach is its 'positive' view. The EU would strengthen the position of SNAs (though not necessarily all, see Jeffery, 2000) as it is a new opportunity to raise money and realize ambitions. Another characteristic is the object of analysis: networks at the European level involving a specific economic area, or large SNAs obviously having large economic and European interests (like port cities) with a history of activities in the European arena. With this case selection, SNAs that, figuratively speaking, are situated on the edge of Europe are ignored. A comprehensive overall judgement of the effects of the EU on the position of SNAs is still lacking, while according to domestic standards (their sheer amount, the relative size of the executive departments, the size of their budgets, the range of responsibilities, etc.), the lowest sub-national tier – such as the French *communes*, the German *Gemeinden*, the Dutch *gemeenten*, the Swedish *kommuner* – are just as or even more important than the 'higher' regional level (Norton, 1994).

A second perspective – the *local* one – differs from the network literature in that it studies the activities of SNAs themselves. With the first perspective it shares a strong emphasis on the possibly beneficial effects arising from the EU and on the manifest activities SNAs perform in response to the EU. Indicators of European influence are the actual extent to which SNAs receive European structural funds (e.g. Wolters, 1997; Wollman and Lund, 1997), the appointment of a special civil servant or civil service department solely entrusted with European affairs (Goldsmith, 1993), the perceived need of SNAs for lobbying in Brussels (Balme and LeGalès, 1997; Goldsmith and Sperling, 1997) and the extent to which information about 'Europe' is being absorbed by SNAs (Bergmann-Winberg, 1997). The results of the empirical case studies in this specific field are similar to the ones in the network approach. SNAs indeed respond to the EU: they lobby, get European money, absorb European information, (want to) establish a lobby office in Brussels, and appoint a special civil servant engaged in European issues. Though these responses are not equally strong in every country (Klausen and Goldsmith, 1997), according to John even in the British case of a highly centralized state with subordinate sub-national governments, SNAs are able to respond autonomously to the European opportunities (John, 2000, 2001; Cole and John, 2001).

As opposed to the above case studies, Martin and Pearce have conducted a survey among 276 British local authorities, which revealed large differences in how the authorities react to European funding, in the extent to which they deem themselves competent to deal with and interfere in European affairs, and in the extent to which they participate in transnational networks. Hardly any local authority expected it would be capable of setting the European agenda in the near future (Martin and Pearce, 1999). An explanation for this is that 'London' acts as a gatekeeper, in which role it can modify or counteract regional and local wishes and interests (Martin, 1997; 1998). Similar results have been found in the Dutch case (De Rooij, 2002). Evidently, a careful and broad selection of cases yields more differentiated results than the network case studies.

A third perspective – the *formal* approach – differs quite substantially from the previous two. It pays more attention to possible constraining effects of the EU than

the network and local perspective. The main object of analysis is not the activities of SNAs, but the European rules and directives they are confronted with. In the end these rules might be beneficial (e.g. the requirements for EU funding); on the other hand they might restrict local policy discretion (such as rules on fair competition). Conclusions from this type of research are still premature, since the results often consist of inventories of European law and policy measures from which a possibly strong European influence is hypothesized instead of measured (e.g. Sieben and Ziller, 1989; Hessel, 2000; Lefebvre, 2000). Indeed, the mere existence of a potentially constraining European directive does not in itself necessarily diminish local discretion, since SNAs may not be aware of its existence and therefore will not consider it in their policy-making (compare Martin and Pearce, 1999; Hoetjes *et al.*, 2003; Dantzig *et al.*, 2004).

One can also include within this formal perspective the literature in which attention is paid to negative effects of the EU on the legal-constitutional powers of SNAs. Bourne (2003), for example, has addressed the 'disempowerment' thesis, which states that due to European integration there is a redistribution among resources of domestic sectors at the detriment of the regions and at the benefit of the central authorities (Bullain, 1998). Traditional regional competencies have been transferred to the central state level, since the EU's decision-making system is only equipped for negotiations between member states and not for negotiations between regions. The 'uneven distribution of say and pay' (Börzel, 1999: 593), which results from this 'institutional bias' against regions (Bourne, 2003: 600–601), is not necessarily compensated by the opportunities mentioned by multi-level governance scholars. The (remaining) domestic legal-constitutional powers of a region appear to determine the extent to which there is successful 'sub-national mobilization' (Jeffery, 2000). In her empirical case study on the Basque region, Bourne (2003) argues that the EU indeed has diminished regional autonomy. The Basque region has lost competencies to the EU (though she does not specify which ones) and it had to give up its own taxation regime as this violated EU competition rules. Unfortunately, also this part of the formal legal literature does not fully cover the European impact on the position of SNAs. It strongly emphasizes the negative European effects on the legal-constitutional powers of SNAs, but the possession of formal autonomous powers does not in itself guarantee that regional policy-making will be free from central or European meddlesomeness. Indeed, even if the EU has not affected a region's constitutional powers, it might still curtail its administrative policy discretion through its directives.

### **Drawing up the Balance**

When comparing the three perspectives based on the main object of analysis, it becomes clear that only the local one actually takes sub-national practice as a starting point and then tries to uncover the influence of the EU. The network and formal perspective come from the opposite direction by first focusing on a specific European policy area or on a rule or directive, and then questioning what impact is involved on SNAs. This procedure will always result in an incomplete picture of European influence on SNAs. In order to obtain a more comprehensive overview, it is necessary to embrace an approach that has local practice as the object of analysis.

The second observation here is that studies on European constraints are relatively scarce in the literature, with the formal perspective being an important exception. But, this perspective takes European legislation as the object of analysis and subsequently it only deduces that SNAs have become executive agents of the EU. By not taking the SNA's practice as a starting point, there is no actual assessment of the European impact. Hence, a plea for more thorough empirical research, guided by the following question: (1) 'to what extent are sub-national decision-making processes determined by European enforced executive tasks?'.

The above question concerns the extent to which SNAs implement European policy. Though analyses of European rules with which SNAs are confronted in their policy implementation do exist (e.g. the rules on public tendering), these are, again, rather explorative studies and not accounts of wide empirical research. Therefore a second research question would be: (2) 'to what extent does the EU constrain the implementation of sub-national policy?'.

Furthermore, new research would definitely add to the existing knowledge if it would also have an eye for the possible constraining effects on sub-national policy preparation. On this particular matter there appears to be no literature. A third question is: (3) 'to what extent does the EU constrain the preparation of sub-national policies?'.

Of course, one should not assess the effects of the EU on sub-national government by concentrating solely on constraints. The massive scholarly attention to opportunities is not without reason. Here, a different view on opportunities is taken than usual. Opportunities are considered not so much as positive incentives to which SNAs might or might not directly react, but rather as the beneficial influence of European rules and policy on sub-national decision-making. In such a view opportunities are not just financially defined, but chiefly concerned with how the content and scope of sub-national policies are enhanced.

Taking this into consideration, three additional research questions can be raised, each of which is the counterpart of the previous ones on constraints. The fourth is then: (4) 'to what extent are sub-national decision-making processes characterized by decisions made voluntarily in response to European positive incentives?'. The fifth research question is: (5) 'to what extent does the EU facilitate the implementation of sub-national policies?'. The last one is: (6) 'to what extent does the EU facilitate sub-national policy (choices) that would not come about otherwise?'.

To conclude, new research guided by the six questions mentioned above will fill the gaps in the existing literature. It will also add specific empirical knowledge to our existing understanding of the effects of the EU on the position of SNAs. A necessary condition is that actual decision-making at the sub-national level will be the central object of analysis instead of European regulation, or sub-national or trans-national networks.

## **A Decision-Making Approach**

### *Autonomy, Constraints and Opportunities, and Decisions*

The first part of the paper has elaborated on the distinction between constraints and opportunities and the different effects of both on the autonomy of SNAs. Constraints



generally limit autonomy, whereas opportunities will keep autonomy intact or strengthen an SNA, e.g. through the acquisition of financial resources. Thus, absence of constraints is a necessary condition for autonomy, whereas absence of (profit from) opportunities does not imply less autonomy. To put it differently, seizing an opportunity merely strengthens autonomy, while being confronted with a constraint necessarily weakens or even destroys autonomy. As a consequence, this conceptualization of autonomy is linked to the three research questions on constraints. Autonomy is the extent to which,

- sub-national decision-making is free from European-enforced executive tasks;
- sub-national policy can be implemented without necessary European co-operation or permission or compliance to restrictive European rules;
- sub-national policy can be prepared without the need to overcome barriers raised by European rules and directives.

Mirroring these elements of autonomy, three types of constraints that result in three types of non-autonomous decisions are distinguished. The antipodes are also considered, namely three types of opportunities and the ways they enhance autonomous decision-making. Furthermore, distinction is made between the indirect and direct influence of the EU (i.e. with or without the agency of central government). Table 1 presents an overview.

### *Enforcement Versus Invitation*

With respect to the first policy role mentioned in Table 1, one can discern the constraint ‘enforcement’ and the opportunity ‘invitation’, resulting in corresponding sub-national decisions. In the case of a directly enforced decision, the EU has actually set the agenda on a certain issue, because it has compelled the SNA to implement a certain European

**Table 1.** Types of sub-national decisions in relation to the EU

Policy roles of SNAs or EU	Constraint or opportunity	Direct or indirect	Type of sub-national decision
Role of SNAs in the implementation of EU policy	Enforcement	Direct Indirect	Directly enforced Indirectly enforced
	Invitation	Direct Indirect	Directly invited Indirectly invited
Role of the EU in implementation of sub-national policy	Hampering	Direct Indirect	Directly hampered Indirectly hampered
	Improvement	Direct Indirect	Directly improved Indirectly improved
Role of the EU in preparation of sub-national policy	Obstruction	Direct Indirect	Directly obstructed Indirectly obstructed
	Enabling	Direct Indirect	Directly enabled Indirectly enabled

rule or policy. The SNA has become an executive agent of the EU and it has taken a decision it would not have taken otherwise. This last element – the lack of policy discretion to withdraw from the European incentive – is crucial to the notion of enforced sub-national decisions.

Literature does not provide clear examples of direct enforcement. It is easier to conceive of indirectly enforced decisions, for example the execution of guidelines or directives ordered by central government, implementing European regulations. In such cases central government acts as a messenger towards SNAs. It will not always be immediately visible that the EU is the actual commander. An example is the planning of ecologically important areas. With the Habitat Directive the EU is trying to preserve worthwhile nature reserves. Since Dutch physical planning is organized in a hierarchical way, it is very possible that central government will compel SNAs to designate certain areas as nature reserves and to adjust their zoning plans accordingly. Also, central government might make sub-national government responsible for testing requests for building permits against the criteria of the European Habitat Directive. Any sub-national decision resulting from these central guidelines is in fact a sub-national decision enforced by the EU.

A decision to appeal to regional EU funding is an example of a directly invited decision. Though it could be interpreted as part of the implementation of EU regional policy, the EU has not enforced the decision. An appeal to EU funds is more a sign of seizing the opportunities the EU has to offer than of a new administrative layer superseding the sub-national level. A case of an indirectly invited decision consists of an appeal from a SNA for a grant from central government that in fact is European money allocated to the national level (for example, social funds for the relief of unemployment).

### *Hampering Versus Improvement*

The constraint ‘hampering’ and the opportunity ‘improvement’ are related to the second policy role. A sub-national decision can be called hampered if it can be implemented only with the necessary co-operation or permission of the EU, or if European rules limit the discretion in the policy implementation. An example of a directly hampered decision is a decision to spend received European money in a certain way and on certain policy areas, whereby the spending is under the scrutiny of ‘Brussels’ (and in the Netherlands also often under the scrutiny of central government; Hoetjes *et al.*, 2003). Another example is the tender of the reconstruction of a concert hall whose costs exceed €500 000. According to European law the contract should be tendered publicly; sub-national governments do not have any other choice, they are simply obliged to do this. One speaks of an indirectly hampered decision in the case of, for example, investment subsidies to private companies. Under certain conditions these are subject to the duty to report to the European Commission, which may nullify the sub-national decision. In the Netherlands the report is formally issued through the agency of the Ministry of the Interior, acting as an intermediary, or as a gatekeeper.

As opposed to hampered sub-national decisions one can discern improved sub-national decisions. The same European regulations that might hamper sub-national decision-making could also make decision-making better in the broadest possible

sense. Though the obligation of a public tender can increase overhead and decision-making costs, at the same time it diminishes the risk of clientelism and integrity violations through, for example, removing traditional and disputable informal mechanisms of selecting a contractor. A decision to tender publicly is then an example of a directly improved decision. Rules that prohibit (sub-national) government support might also be valued positively, since they stimulate free competition. Consequently, this also applies to a decision to support ailing firms, which should first be reported to the Ministry of the Interior (an indirectly improved local decision).

Of course, it will not always be clear when a restrictive European rule itself has a direct or indirect positive effect on the sub-national practice. Ideological or principal considerations underlie such a judgment and researchers should avoid making such an assessment themselves. Instead, since the question on whether European rules improve sub-national decision-making will receive a context-specific answer, it should be answered by studying the perceptions and opinions of sub-national officials themselves.

The dichotomies enforcement/invitation and hampering/improvement are not mutually exclusive. Since they refer to two different stages in policy-making (agenda-setting and implementation) it is theoretically possible that the EU invites sub-national decision-making and that it hampers the implementation.

### *Obstruction Versus Enabling*

Linked to the third role mentioned, the constraint ‘obstruction’ and the opportunity ‘enabling’ can be distinguished. Typical for obstructed decisions is that they actually are non-decisions, or put differently, policy desires that cannot be fulfilled because of certain European legislation. In the decision-making process sub-national administrators are bogged down in a very early phase, resulting in an explicit decision to not do something or in an open-ended unfinished discussion. The mere existence of European regulation does not necessarily imply its obstruction of sub-national autonomy. A necessary condition for being able to speak of non-decisions is that sub-national decision-making has been obstructed unwillingly. Yet, the *raison d’être* of politicians is to have policy desires, even if it is evident that a high amount of these often unrealistic, politically driven demands cannot be fulfilled. Therefore, an additional criterion for a non-decision is formulated, namely, that the concerning policy desire is widely supported.

An example of a directly obstructed decision consists of the European rules on fair trade, which forbid government support to ailing firms. Recent Dutch local government support to professional football clubs shows that the European rules apparently leave some room for policy discretion or an own interpretation. Yet it is very possible that initial local or regional plans to financially support certain companies will not leave the drawing board because of European regulation.

The EU might obstruct sub-national decision-making indirectly in the case of national compliance with European regulation, which in the end affects sub-national decision-making. The Habitat Directive offers an example. The implementation of this directive can lead to a substantive change in national physical planning, namely the designation of more or other areas as ecologically precious zones. As already

argued, at the sub-national level this might lead to enforced decision-making, namely the decision to revise the zoning plans in order to meet the central requirements. Once sub-national government has taken such an enforced decision, it has also set the framework of future decision-making. The inclusion of ecological areas in a zoning plan evidently excludes the realization of an industrial estate, the realization of tourist facilities such as recreation parks or swimming spots, or large housing plans. Thus, a SNA wishing to realize more housing to relieve rising housing shortages, will run up against the limitations laid down in the prevailing zoning plans. At worst the prevailing rules on land use force the SNA to abandon its plans. At first sight it may seem that central government is the cause of non-decision in this case, but a closer look will reveal that in fact the EU has blocked the sub-national initiative.

The positive counterpart of the obstructive role of the EU is its enabling role. One can speak of an enabled decision if an unattainable desire (a situation of non-decision-making) can be fulfilled with the support of the EU. The decisive difference with an invited decision is that a preceding situation of non-decision-making has occurred. An example of a directly enabled decision concerns an SNA suffering a chronic lack of money as a result of which it cannot pursue a highly desired policy to restructure the regional economy. European funds for regional policy might enable the SNA to finally develop new initiatives. In case where EU funds are distributed by central government (such as the employment subsidies of the European Social Fund), there might be indirectly enabled decisions.

### **Applying the Framework**

Three types of constraints on autonomy and three types of opportunities have been distinguished, leading to six types of (directly or indirectly influenced) decisions. The application of these concepts is explorative. There is no hypothesis as to whether certain types are more frequent than others, nor the expectation that all types will actually exist. The introduced concepts serve as an analytical tool in the description of the actual influence of the EU on the autonomy in sub-national decision-making. The explorative and descriptive nature of the framework makes it in principle generally applicable. It might be used in research on SNAs in both federal and non-federal systems, or on SNAs in highly centralized or decentralized unitary states. At this stage it is not relevant on what kind of policy or rule a certain constraint or opportunity is based – distributive, redistributive, regulative. The same goes for the nature of EU policies or the political and administrative context within which a SNA and EU operate. These variables are only important in explaining possible differences or similarities in influence, causing a need for refinement of the framework, or even an additional explanatory model.

This perspective necessitates a different research design than has commonly been used so far. The framework is defined by its choice for sub-national decision-making practice as the object of analysis, instead of trans-national networks or specific regulation. Local or regional practice needs to be related to European influence, i.e. sub-national decision-making should be related to European commands or other incentives, to European support and permissions or European law that limits the range of policy wishes, and to European law that blocks or enables sub-national

initiatives. Obvious though this may appear, in political science and the study of public administration the reverse approach is much more common. Often macro-indicators (like financial streams) are used in judgments on the autonomy of organizations at a lower level. Yet, such a method actually is only deductive and it tends to raise new or old questions instead of assessing the state of affairs.

At this point it is important to underline that it is not the possible influence relations and thereafter the possible outcome that are studied, but the reverse. Given a certain sub-national policy and/or decision, it should be questioned whether it (and its content) can be labelled 'enabled', 'hampered', 'invited', or otherwise, thereby uncovering the type of European influence, or, in other cases, assessing that there is no substantial European impact. In other words, conceptually the start is from a top-down perspective, but empirically a local approach is taken.

To assess the empirical sensitivity of the conceptual framework an empirical study in the Dutch municipality of Lelystad (pop. 70 000), a new town situated on reclaimed land from the 1950s and 1960s, was performed. Given its economic, social and demographic problems it has similar problems to any large Dutch city of more than 100 000 inhabitants. A large part of the municipality consists of a unique nature reserve (the *Oostvaardersplassen*), which falls under the Habitat Directive. At the west there is the *Markermeer*, a freshwater lake resorting under the Bird directive. Furthermore, Lelystad is situated in the only Dutch province that receives grants from the European Fund for Regional Development. Therefore, there is a fair chance that both European constraints and opportunities will be detected, offering insight into the conceptual sensitivity of the typology. The analysis focused on decision-making in the areas of physical planning & ground affairs, and of environment, sanitation & green.

Strategy-wise 'files' were chosen as the unit of analysis, which consist of interrelated decisions and/or activities serving a specific goal and taken and performed by or within the apparatus of the municipality. Examples are restructuring projects, building plans, or a policy plan to combat elderly housing shortages. The files were selected on the frequency of occurrence on the executive board's agenda. To check for completeness they were subsequently judged by senior officers.

In 2003 Lelystad was involved in 40 files in the area of physical planning and in 17 files in environmental areas. Since these areas are intertwined the same files could be found in both. In total 46 files were analysed. In every file the relevant documents, varying from bills, commissions and assignments to council decisions and overall plans, and from formal correspondence to email traffic, were consulted. In each case the arguments, considerations and problems the municipality had formulated during the solution of the problem(s) at hand were inventoried. Questions, such as 'why has an issue come on the agenda, what are the stakes, which obstacles were present in the implementation?', were raised. Additionally, the findings were related to the activities of central and provincial government and the EU. If the first two played a decisive role, it was checked whether central or provincial government's impact stems from European policy or legislation. Again, documents were important sources of information. In all cases the findings were checked in interviews with responsible senior civil servants (15 interviews in total).

In order to detect obstruction another strategy was followed, for in such a case there is no file (a 'non-decision'). To uncover unfulfilled but strong policy desires the minutes

of council meetings of the last ten years were studied. In particular the debates on the annual budget are occasions in which such desires are expressed. Findings were checked in interviews with the council registrar and responsible senior civil servants.

In 60.9% of the 46 files studied an EU influence was found. In the case of the files on physical planning the figure is 62.5%. The EU has influenced 70.6% of the environmental files. It seems fair to state that the European influence is quite high. Table 2 gives insight in how this EU influence can be typified.

One of the goals of the design is to detect direct and indirect European influence. It turns out that almost any European impact – whether it is a constraint or opportunity – is brought about through the agency of provincial or central government. Honesty compels an admission that in the case of opportunities this indirect influence is rather manifest, as it often concerns European funds allocated by the province. Yet, in the case of constraints, the document study and the interviews turn out to be adequate methods to detect the effects of European rules implemented in national legislation that subsequently influenced local policy.

Table 2 also shows that the conceptual distinction between opportunities and constraints is a useful one in analysing daily practice. At this point it is important to recall that since the municipality enjoys constitutional autonomy, the perception and opinions of the Lelystad authorities themselves (indicated in interviews and laid down in documents) were followed; normative judgements on European rules were not made by the authors. Condition to this is that the interviewees will be able to handle the distinction between opportunities and constraints, which they fortunately were. Moreover, they were unanimous in the evaluation of certain European incentives.

Further, in Lelystad all types of influence discerned in the conceptual framework – with the exception of obstruction – were found. The frequency of occurrence of these influences varies considerably. Invitation rarely occurs, whereas improvement is much more frequent. An example of invitation concerns the voluntary development of a local waste plan in which many policy choices of the national waste plan are integrated. The latter plan is in turn an implementation of the European waste directive.

**Table 2.** Type and direction of EU influence, percentages of files influenced by the EU, municipality of Lelystad, physical planning and environmental issues, 2003

	Physical planning and ground affairs ( <i>n</i> = 25)	Environment, sanitation and green ( <i>n</i> = 12)
Direct	8.0	0.0
Indirect	92.0	100.0
Invitation	0.0	8.3
Improvement	68.0	75.0
Enabling	12.0	0.0
Opportunities, total	80.0	83.3
Enforcement	4.0	8.3
Hampering	28.0	25.0
Obstruction	No examples found	No examples found
Constraints, total	32.0	33.3

*Note:* The figures in 'constraints' and 'opportunities' do not add up to 100, since a file may be confronted with constraints as well as opportunities.

The examples of improvement mostly concern European funds (e.g. restructuring of industrial or housing areas). In these cases the EU sped up or enlarged programmes and projects that would have been implemented anyway, though on a smaller scale. This was not only indicated by the fact that the plans already existed and were already heavily financed by central government before the region received European money; all senior civil servants frankly confirmed this. A few examples of enabling were also found, such as the restructuring of the museum quarter which had been on the agenda for years, but for which the municipality could not find the funds. The European regional fund finally made the implementation possible. In general interviewees were very well able to distinguish between this type of effect and improvement.

If there is constraining influence, it usually concerns European legislation. The restructuring of a neighbourhood was actually enforced by national asbestos regulation, which in turn has been designed in response to European asbestos directives. Though the mere presence of asbestos might also have induced the authorities to take the same measures in the (near) future, at that time the authorities did not have any other choice than to put it on the agenda, and in that respect the EU had indirectly set the local agenda. More often Europe has hampered local initiatives. An example is the Bird directive, which had blocked several plans for the redevelopment of the coastal area to make a regatta centre and a residential area outside the dyke. Under protest from the municipal authorities the province reversed the costly municipal plans because of the presence of the smew – a small black and white duck which hibernates here and breeds in northern Scandinavia and Siberia.

Finally, analysis of minutes and supportive interviewees did not yield any non-decisions as a result of European obstruction. There were also no convincing examples of central government's obstruction. On the contrary, central government has recognized the specific problems of Lelystad and therefore it has established a specific grant for which only Lelystad can apply.

## **Conclusions**

This paper posed the question 'what is known about the actual impact of the EU on the position of SNAs?'. A literature review revealed three approaches: a network, local, and formal one. The first offers some empirical evidence, but this primarily concerns the large SNAs that have a direct stake in European decision-making on the allocation of funds. In general it turned out that these SNAs have increased their position by direct communication with the Commission, bypassing central government. Whether SNAs position towards central government in other areas has also changed, and whether the EU has influenced SNAs in a negative way, remain unanswered questions. The local approach takes a broader view and comes to the conclusion that some SNAs respond to European integration and some do not. Similarly to the network approach supporters, the 'localists' tend to reduce Europe to a moneybag and to a source of information and interest representation. The restrictive effects of European integration are neglected here as well. The formal perspective does have an eye for restrictions, but the authors concerned do not come to overall conclusions. In many analyses of European regulation the European impact is assumed rather than researched and these analyses tend to be inventories rather than empirically well-founded explorations.

The next question is 'what will be the consequences for further research?'. In order to fill the lacunas in the existing body of knowledge, new research should be centred on the activities of sub-national government and the extent to which the EU constrains these activities or offers opportunities to sub-national government. A framework consisting of three different kinds of EU constraints, or three different kinds of intrusions on autonomy, was constructed: enforcing sub-national government to implement European policy, hampering sub-national government to implement its decisions, and obstructing sub-national policy preparation. As their antipodes, a distinction was made between three different kinds of opportunities stemming from the EU, each enhancing sub-national decision-making: inviting an SNA to take a certain initiative (the European funds), improving sub-national decision-making by removing all kinds of (legal) obstacles, and enabling long-existing policy desires that would not be fulfilled otherwise. In all six cases, the EU may exert its influence directly or through the agency of central government.

The application of this framework to the decisions made by a Dutch municipality shows that the EU does indeed constrain local decision-making as well as facilitate decision-making. Unlike most existing literature, this small empirical exploration has also shown that it is worthwhile to focus on indirect European effects. Although in varying extents, almost every type of European influence described in the framework was found. Or, to put it differently, the application seems to show that the conceptual framework is sensitive enough to fully capture the relations between the EU and a SNA.

Lelystad is just one authority among many. Yet, the findings are promising enough to apply the framework in other contexts and to different types of authorities, therewith enhancing knowledge of how much and how the EU affects the position and autonomy of SNAs. Furthermore, since the conceptual framework also considers constraints that emanate from the EU, resulting empirical findings will get a much stronger normative meaning. As has been shown, in almost every Western European country the principle of local self-government is highly valued. The three types of European constraints mentioned here all thwart sub-national autonomy, and therewith they are incompatible with the prevailing norm. Indeed, in the end the conceptual framework can provide indications concerning the tenability of this principle.

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